

Exhibit A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY) CA 04-01592
PATENT LITIGATION) Boston, MA
) September 9, 2004
)

BEFORE THE HONORABLE MARK L. WOLF
UNITED STATES DISTRICT JUDGE
TELEPHONE CONFERENCE

APPEARANCES:

(As previously noted.)

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1 raised this in our conference call with Mr. Gindler on
2 Tuesday and, similarly, were not told one way or the
3 other what Columbia's position was as to whether there
4 was a license in effect.

5 THE COURT: Well, that anticipated my next
6 question. These are the type of things when, you know,
7 you're conferring, to narrow or eliminate disputes, you
8 ought to be focusing on, because if Biogen has its
9 license back, if it's Columbia's position -- and it has
10 to be clarified that it's not terminated -- under that
11 Gen-Probe case that I discussed at 29 to 30 of
12 preliminary injunction decision on August 13, maybe that
13 contributes to eliminating a case in controversy too.
14 Or, conversely, and this is really a rhetorical -- this
15 is really not a rhetorical question -- if they have lost
16 their licenses, does that distinguish this from that
17 Supersack line of cases?

18 MR. GINDLER: Your Honor, it might create a
19 controversy between the parties as to whether or not
20 their license is in effect, but it would not be in a
21 controversy at all about the '275 patent because it would
22 simply be a controversy, for example, with Biogen as to
23 whether or not we had the right to terminate or, later,
24 to permit an audit. That's not a question about the '275
25 patent.

1 THE COURT: Well, but I haven't gone back to the
2 pleadings today. The question before me is not -- you
3 know, it's in part whether there's any case or
4 controversy at all. If I'm going to dismiss -- well,
5 these are the type of issues. But, I mean, as a
6 practical matter, if you're going to talk about
7 settlement, which Columbia tells me as recently as the
8 joint report yesterday it's willing to do, or if you're
9 going to talk about narrowing the issues, I think
10 Columbia has to be clear on whether Biogen has a license
11 today or not.

12 MR. GINDLER: This is David Gindler. I'm happy
13 to communicate that position to Biogen sometime later
14 today. I will go back and look at their (sic) letter.

15 THE COURT: But with regard to all of the
16 plaintiffs.

17 MR. GINDLER: I'm happy to do that for all of
18 the plaintiffs.

19 THE COURT: All right. Because it's -- and if
20 it takes you longer than today, take your time. I mean,
21 you're not going to take forever, I know.

22 MR. GINDLER: I don't think it will take longer
23 than today or tomorrow.

24 THE COURT: All right. Because that -- I was
25 wondering about the language insofar as they were based